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21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 IN RE: TOYOTA MOTOR CORP.  
UNINTENDED ACCELERATION  
24 MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

25 Case No. 8:10ML02151 JVS (FMOx)

26 **TOYOTA DEFENDANTS'  
MEMORANDUM RE: SPECIAL  
MASTERS**

27 This document relates to:

28 ALL CASES

Date: June 23, 2010  
Time: 9:00 a.m.  
Location: Court Room 10C  
Judicial Officer: Hon. James V. Selna

## I. INTRODUCTION

Pursuant to the Court’s MDL Order Nos. 2 and 3 issued on May 14 and June 1, 2010, respectively, the Toyota Defendants (“Toyota”) submit this memorandum addressing appointments of special masters by the Court. Despite their best efforts, the parties did not reach agreement on the basic structure for the special master appointments, or on the candidates themselves.<sup>1</sup>

As explained in further detail below, Toyota proposes the appointment of a head special master to oversee all discovery in the MDL, as a means to ensure consistent decision-making, minimize the risk of conflicting discovery rulings, and promote efficiency. Toyota's five head special master candidates, in order of preference, are: (1) Hon. George Schiavelli; (2) Hon. Melinda Johnson; (3) Hon. John Wagner; (4) Robert Pringle; and (5) Hon. Steven Stone.

Toyota also proposes the appointment of a special master to help coordinate the state and non-MDL federal actions. Outside of the MDL, there are nearly 200 actions involving allegations of unintended acceleration filed throughout the United States and at various stages of litigation. The coordination special master's role would be to monitor these actions, analyze legal issues impacting coordination (*e.g.*, anti-injunction act issues), and help resolve any disputes arising from the coordinated actions. For this position, Toyota proposes the appointment of one of its five candidates for head special master. Each candidate has ample complex litigation experience and could easily handle the role.

Additionally, Toyota proposes the appointment of a special e-discovery counsel, to serve as a technical advisor to the head discovery master on electronic discovery issues. The special e-discovery counsel would not make substantive rulings; rather, he or she would only counsel the head discovery master on the

<sup>1</sup> Toyota's June 16, 2010 letter to Plaintiffs' counsel setting forth Toyota's special masters proposal is attached as Exhibit A. The June 17, 2010 response letter of Plaintiffs' counsel rejecting Toyota's proposal is attached as Exhibit B.

1 technical aspects of e-discovery and U.S. and foreign data privacy rules. For this  
 2 appointment, Toyota proposes M. James (“Jim”) Daley of Daley & Fey LLP.

3 Toyota’s requested appointments will ensure that discovery rulings are uniform,  
 4 efficient, and fair by vesting a single special master with day-to-day executive  
 5 authority over discovery in the MDL, while delegating review and analysis of  
 6 coordination and technical issues. Such appointments are consistent with those made  
 7 by district judges in other large, complex MDLs. Plaintiffs’ proposal that discovery  
 8 be managed by a panel should be rejected because it will create inefficiency and  
 9 inevitably lead to inconsistent discovery rulings.

## 10 **II. TOYOTA’S SPECIAL MASTER CANDIDATES**

11 MDL Order No. 2 instructs the parties to submit the names and resumes of five  
 12 candidates for special master if the parties are unable to reach agreement. Given the  
 13 breadth and complexity of the discovery issues in the MDL, it is critical that the Court  
 14 adopt a structure for special masters that will ensure uniformity and efficiency.

15 In accordance with Order No. 2 and Toyota’s proposed special master structure,  
 16 Toyota proposes five exceptionally-qualified candidates for the role of head special  
 17 master. Each of these candidates is a distinguished jurist or counsel with years of  
 18 experience in complex litigation, discovery, and dispute resolution. Additionally,  
 19 each candidate has expressed enthusiasm and interest in working with the Court as a  
 20 Special Master in the MDL. The resumes for each of these candidates are attached  
 21 hereto as Exhibit C.

### 22 **A. Head Special Master Candidates**

#### 23 1. **Hon. George Schiavelli** (JAMS, Los Angeles)

24 Judge Schiavelli is a perfect fit for these actions because of the balanced  
 25 perspective which he brings from his diverse, 36-year legal and judicial career. He  
 26 served as a Los Angeles County Superior Court Judge from 1994 through 2000  
 27 (Appellate Division, 1997-2000, Presiding Judge 1999-2000) after 20 years of private  
 28 practice. He was then appointed as a U.S. District Judge for the Central District of

1 California in 2004, serving four years. The bipartisan committee which vetted Judge  
 2 Schiavelli for the federal bench included Wylie A. Aitken, a member of Plaintiffs'  
 3 leadership in this MDL. Judge Schiavelli's federal confirmation was unopposed,  
 4 which came as no surprise given his experience and credentials.

5 Judge Schiavelli has managed domestic and international discovery in matters  
 6 which are as large and complex as this MDL. For instance, he oversaw discovery in  
 7 *Versace v. Monir M. Awada, et al.*, No. 2:06-cv-03491 (C.D. Cal.), first as the court-  
 8 appointed special master and later as the presiding District Judge. In *Versace*, Judge  
 9 Schiavelli efficiently coordinated: the U.S. Marshals' seizures of counterfeit goods  
 10 from more than 70 retail stores in California and Arizona; the seizure, imaging, and  
 11 eventual return of the stores' computer systems; and substantial deposition discovery  
 12 in Europe. With such experience, Judge Schiavelli would make an outstanding head  
 13 special master.

14       2.     **Hon. Melinda Johnson** (JAMS, Los Angeles)

15 Judge Johnson would also make a superb special master in these actions based  
 16 on her service as a Ventura County Superior Court Judge from 1982 through 2002.  
 17 She tried Ventura County's first "complex" litigation, a mass tort action brought by  
 18 more than 140 individual plaintiff-homeowners against 40 corporate and individual  
 19 defendants. Judge Johnson divided the defendants into classes, staged and organized  
 20 discovery around the class divisions, coordinated document and deposition discovery,  
 21 and made pretrial rulings on key legal issues of first impression. She later handled  
 22 equally large, complex toxic tort cases involving alleged groundwater contamination.  
 23 Judge Johnson's meticulous, well-organized, and thoughtful approach would ensure  
 24 uniform, efficient, and fair rulings for the parties.

25       3.     **Hon. John L. Wagner** (Judicate West, San Juan Capistrano)

26 Judge Wagner has decades of experience as a neutral. From 1985 through  
 27 1997, he served as a U.S. Magistrate Judge for the Northern District of Oklahoma.  
 28 While on the bench, Judge Wagner regularly managed discovery issues in class

1 actions and other complex litigations in a variety of substantive areas including  
 2 automotive products liability, asbestos litigation, and environmental litigation. In  
 3 1997, he left the federal bench to become the Director of Irell & Manella's ADR  
 4 Center, where he practiced as a full-time neutral until 2005. Since 2005, Judge  
 5 Wagner has practiced as a full-time neutral with Judicate West. He has substantial  
 6 experience in resolving multi-party issues and has successfully conducted thousands  
 7 of mediations. Judge Wagner was honored by the *Los Angeles Daily Journal* as a Top  
 8 Neutral in California in 2008 and 2009.

9       4.     **Robert Pringle** (Winston & Strawn LLP, San Francisco)

10      Mr. Pringle is exceptionally qualified for a special master role in this MDL  
 11 because of his vast experience in federal MDLs, parallel government investigations,  
 12 and international disputes. He has served as lead counsel in numerous antitrust and  
 13 consumer class action MDLs involving foreign manufacturers, while simultaneously  
 14 serving as counsel in U.S. federal or state or EU investigations concerning the same  
 15 allegations. *See, e.g., In re DRAM Antitrust Litig.*, No. 4:02-md-01486 (N.D.Cal.).  
 16 Additionally, Mr. Pringle has served as a plaintiff's counsel and as an arbitrator in  
 17 complex litigations against Asian manufacturers. In each of these engagements, Mr.  
 18 Pringle routinely dealt with foreign discovery issues, such as coordinating depositions  
 19 in Asia. Through his skill and professionalism, Mr. Pringle has earned the respect of  
 20 his colleagues, who honored him as California's 2010 Antitrust Lawyer of the Year.  
 21 He has also earned the trust of the U.S. District Court for the Northern District of  
 22 California, which has twice appointed him to its attorney discipline committee.

23       5.     **Hon. Steven Stone** (JAMS, Los Angeles)

24      Justice Stone has extensive experience handling complex litigation and,  
 25 specifically, automotive product liability litigation, as a trial and appellate justice in  
 26 the California state court system and as a full-time neutral with JAMS. From 1977  
 27 through 1980, he served a Ventura County Superior Court Judge. From 1982 through  
 28 1999, he served on the California District Court of Appeal as Presiding Justice. He

1 currently is a full-time mediator with JAMS. As a neutral, Justice Stone has mediated  
2 hundreds of automotive defect actions, including the Ford-Firestone MDL, *In re*  
3 *Bridgestone/Firestone, Inc. Tires Prods. Liab. Litig.*, MDL No. 1373 (S.D. Ind.).  
4 Additionally, he has mediated numerous automotive actions with counsel for both  
5 plaintiffs and defendants.

6       **B. Coordination Special Master**

7 The parties have acknowledged the need to coordinate these actions with the  
8 hundreds of non-MDL actions involving UA claims, filed throughout the country. To  
9 facilitate the process, Toyota proposes the appointment of a special master to oversee  
10 coordination issues. Toyota recommends the appointment of one of its five special  
11 master candidates to serve in this role.

12       **C. Special E-Discovery Counsel**

13 Toyota proposes the appointment of a special counsel to serve as an advisor to  
14 the head special master on e-discovery issues in this MDL because such issues will be  
15 highly technical and also implicate the data privacy rules of multiple U.S. and foreign  
16 jurisdictions. Managing the e-discovery issues will require not only legal and  
17 executive ability but also technical expertise in selecting and configuring the available  
18 information systems to conform to the data privacy rules.

19 Toyota recommends Jim Daley as special e-discovery counsel. His resume is  
20 attached hereto in Exhibit C. Mr. Daley is a national legal expert on e-discovery and  
21 data privacy who holds a masters degree in information systems management as well  
22 as numerous IT network administration and programming certifications. Mr. Daley  
23 has served as lead e-discovery counsel in numerous federal and state consolidated  
24 litigations and parallel government investigations. In those matters, he managed  
25 foreign discovery in concert with foreign law firms, created document repositories in  
26 foreign countries for use by U.S. litigants and foreign governments, and designed and  
27 implemented web-based document review tools for use by U.S. counsel for plaintiffs  
28 and defendants. Mr. Daley has also published and lectured extensively on e-discovery

1 issues, with an emphasis on cross-border discovery, and frequently serves as an e-  
 2 discovery resource for federal district and magistrate judges. Mr. Daley co-chairs The  
 3 Sedona Conference's working group on international e-discovery, and teaches e-  
 4 discovery principles to federal special masters as a Sedona Conference faculty  
 5 member. His unique expertise will help the head special master to manage foreign  
 6 discovery efficiently, fairly, and in a manner that complies with the data privacy laws  
 7 of not only the U.S. but also Japan and other foreign jurisdictions.

### 8     **III. TOYOTA'S PROPOSAL WILL ENSURE UNIFORMITY AND** 9     **EFFICIENCY IN DISCOVERY RULINGS**

10    Toyota's proposal for a head special master, a coordination special master, and  
 11 a special e-discovery counsel is designed to promote uniformity and efficiency by  
 12 vesting a single decision-maker with responsibility for organizing and implementing  
 13 discovery. Specifically, the head special master would have day-to-day control over  
 14 (1) phasing and scheduling discovery, (2) the scope, format, and conditions of  
 15 document and deposition discovery, and (3) international discovery issues, such as the  
 16 translation of witness testimony and documents. The head special master's decisions  
 17 would be reviewable by the District Judge only, under a de novo standard of review.

18    By consolidating authority over discovery in the head special master, the Court  
 19 will ensure that:

- 20       • The big-picture phasing and scheduling of discovery is logical;
- 21       • Rulings on the scope, format, and conditions of discovery (*e.g.*, format of  
             e-discovery productions) are uniform across phases of discovery, modes  
             of discovery, subject matters, and parties;
- 22       • Rulings on discovery issues are made in a prompt, executive manner,  
             without time-consuming conferences involving multiple decision-  
             makers;
- 23       • The parties cannot "shop" for favorable but inconsistent decisions by  
             seeking rulings from the most sympathetic decision-maker;

- The parties are better able to avoid discovery disputes by conforming to a single decision-maker's instructions and preferences; and
  - The Court's management of the discovery process is simplified by creating a single channel of responsibility and communication.

The head special master's handling of discovery will be enhanced by appointing a special master to coordinate with state and non-MDL federal proceedings under the head special master's direction. Effective coordination requires timely consideration of complex legal and procedural issues that are unrelated to discovery yet have the potential to impact it. Delegating the day-to-day monitoring and analysis of such issues to another special master will enable the head special master to maintain his or her focus on discovery.

Similar benefits will flow from the appointment of a special e-discovery counsel. E-discovery in litigation of this magnitude is highly technical. It requires careful selection and configuration of the appropriate information systems to ensure not only efficiency and fairness, but also compliance with U.S. and foreign data privacy rules. Appointing a special counsel with unique expertise in these areas will enable the head special master to make technically sound rulings regarding the e-discovery aspects of discovery, without investing substantial time and effort learning the information systems and applicable U.S. and foreign data privacy rules.

This Court's appointing of a head discovery special master would be consistent with appointments made in other large MDLs. District judges have given a single special master control over discovery in numerous cases, including:

- *In re: Avandia Marketing, Sales Practices and Prods. Liab. Litig.*, Case No. 07-md-01871-CMR, MDL No. 1871, Dkt. Entry No. 136 (E.D. Pa. Jun. 10, 2008) (order appointing special discovery master);
  - *In re: Intel Corp. Microprocessor Antitrust Litig.*, Case No. 05-485-JJF, MDL No. 05-1717, Dkt. Entry No. 72 (D. Del. May 10, 2006) (same); and

- *In re Zyprexa Prods. Liab. Litig.*, Case No. 1:04-md-01596-JBW-RLM, MDL No. 1596, Dkt. Entry No. 127 (E.D.N.Y. Jan. 11, 2005) (same).

These district judges wisely recognized the uniformity and efficiency which flows from centralizing authority over discovery.

By contrast, Plaintiffs' proposal for a tripartite special master panel will not promote uniformity or efficiency. Such a panel would undoubtedly divide the work load for discovery in three ways. Regardless of whether the division is made based on mode of discovery (*e.g.*, document versus deposition discovery), subject matter (*e.g.*, basic fact discovery versus discovery of technical automotive design information), or some other grouping, the panel approach will require time-consuming conferences involving three decision makers.

The panel approach may produce rulings concerning the scope, format, and conditions of discovery which are inconsistent across the phases, modes, and subject matters of discovery. This is because most rulings will never be subject to deliberations by all panelists, since each panelist will operate independently between conferences. For example, one panelist's rulings on objections during depositions cannot be harmonized after the fact with another panelist's concurrent rulings on written discovery. By the time the parties bring inconsistencies to the panel's attention, the damage will be done. Inconsistent rulings are one reason why district judges do not ordinarily appoint panels of discovery special masters in MDLs.

Plaintiffs' proposal should also be rejected because it runs afoul of the spirit, if not the letter of Federal Rule 53. Rule 53 requires the Court to give the parties notice and an opportunity to be heard, authorizes parties to suggest candidates, and requires the Court's order to state the master's duties and any limits on the master's authority. Plaintiffs would effectively outsource the roles of the parties and the Court under Rule 53 by empowering their preferred candidate to propose the limits of his authority and also nominate additional special masters. This Court should not abdicate its authority

1 under Rule 53, and should instead enter an order appointing specific special masters  
2 with logical and well-defined responsibilities, as proposed by Toyota.

3 **IV. CONCLUSION**

4 For the foregoing reasons, Toyota respectfully requests that the Court adopt  
5 Toyota's special master proposal and appoint Toyota's candidates for: (1) a head  
6 special master; (2) a special master for coordination of state and non-MDL federal  
7 actions; and (3) a special e-discovery counsel to the head special master.

8  
9 Dated: June 21, 2010

Respectfully submitted,

10 By: /s/ Lisa Gilford

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18 ***Lead Defense Counsel for Economic Loss Cases***

19 By: /s/ Vincent Galvin, Jr.

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June 16, 2010

## VIA E-MAIL

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Re: *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court, Central District of California, Case No. 8:10-ML-02151 JVS (FMO)

Dear Counsel:

Per Mark Robinson's request, I am forwarding you a list of potential candidates to serve as discovery master in the MDL. Please forward your list to us by tomorrow at the latest.

In one of our meet and confers, you mentioned the need for multiple special masters. I raised a concern with consistency in decision-making with multiple special masters and the potential for different special masters to make discovery determinations that conflict with one another. Besides that brief exchange I just described, we have had no further discussion of the issue, but we would like to discuss further, so we can hear

Elizabeth J. Cabraser, Esq.

Mark P. Robinson, Esq.

Steve W. Berman, Esq.

Frank M. Pitre, Esq.

Mark M. Seltzer, Esq.

June 16, 2010

Page 2

your specific ideas on the issue, and in particular what ideas you have to address our desire to ensure that there is consistency across the various discovery issues which may arise.

In order to facilitate our discussions, Defendants identify the following as potential candidates for the position of head discovery special master:

Hon. Melinda Johnson (JAMS, Los Angeles)

Robert Pringle (Winston & Strawn LLP, San Francisco)

Hon. George Schiavelli (JAMS, Los Angeles)

Hon. Steven Stone (JAMS, Los Angeles)

Hon. John Wagner (Judicate West ADR, San Juan Capistrano)

Defendants are willing to consider candidates other than those identified above. No one should consider this an exclusive list. These names are a starting point for our discussions.

Additionally, Defendants believe that the head discovery special master may need support on e-discovery issues. E-discovery in litigation of this magnitude is highly technical and requires a deep understanding of the available information systems, tools, and processes. Though candidates qualified for the role of head discovery special master are familiar with e-discovery, they may not have as in-depth a technical background as individuals whose focus is the technical aspects of e-discovery. To address this issue, Defendants suggest the appointment of a special e-discovery counsel to serve as a technical advisor to the head discovery master on e-discovery issues. That individual would not make substantive rulings. Such rulings would be reserved exclusively for the head discovery special master. For this position, Defendants recommend M. James Daley of Daley & Fey LLP in Overland Park, Kansas.

Finally, it is my understanding that both Parties are in agreement that a special master for state and non-MDL federal coordination should be recommended to Judge Selna. This particular role for a special master was not specifically addressed by Judge Selna in his May 14 Order. Please advise if you have recommendations for that role, and we can exchange recommendations.

If there are other types of special masters who you believe would be of use to the parties in these actions, please describe for me the specific areas, what role they would play, and how they would work with the head discovery special master. We reserve the

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Mark P. Robinson, Esq.

Steve W. Berman, Esq.

Frank M. Pitre, Esq.

Mark M. Seltzer, Esq.

June 16, 2010

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right to provide additional names in response to those identified areas. We look forward to hearing from you on this issue.

Sincerely yours,



Cari K. Dawson

CKD:tmf

cc: Vince Galvin (*Via E-Mail*)  
Joel Smith (*Via E-Mail*)  
Lisa Gilford (*Via E-Mail*)

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## **EXHIBIT B**

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June 18, 2010

**VIA E-MAIL**

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Re: *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation,*  
Master Case No. 8:10-ML-02151 JVS(FMOx)

Dear Cari:

I write on behalf of Co-Lead Counsel in this matter regarding the issue of recommended discovery masters. In response to your letter of June 16, 2010, please be advised that it is our view that a three-person discovery special master panel should be appointed to be chaired by one of the special masters. We propose the Hon. John Trotter, Justice of the California Court of Appeal (Ret.) to serve as the Chair of that panel. We also propose that if Justice Trotter is appointed, that he nominate two additional persons to serve as special masters on that panel. This procedure would enable the Court to consider for appointment the persons that Justice Trotter believes would best serve the needs of this case.

We do not believe that someone should be designated as "special e-discovery counsel." If the special masters believe that they would need assistance from an expert in e-discovery, we believe that would be within their purview to recommend.

At this time we do not believe that a special master is required to be appointed with respect to state and non-MDL federal litigation, but we are open to further discuss that subject with you. We also do not believe it is necessary to consider

Cari K. Dawson, Esq.  
June 18, 2010  
Page 2

special masters for other matters in these actions at this time, but we are open to discuss that matter with you as well.

We look forward to speaking with you about these issues.

Very truly yours,

Elizabeth J. Cabraser  
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Steven W. Berman  
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Frank M. Pitre  
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Marc M. Seltzer  
SUSMAN GODFREY L.L.P.

By Marc M. Seltzer  
Marc M. Seltzer

Plaintiffs' Co-Lead Counsel

MMS:slt

Cari K. Dawson, Esq.  
June 18, 2010  
Page 3

cc: Via E-Mail  
Vince Galvin  
Joel Smith  
Lisa Gilford

Elizabeth J. Cabraser  
Mark P. Robinson, Jr.  
Steven W. Berman  
Frank M. Pitre

# **EXHIBIT C**



#### Hon. George P. Schiavelli (Ret.)

**Hon. George P. Schiavelli (Ret.)** has had a diverse 30-year legal and judicial career, most recently serving as a judge on the federal bench of the United States District Court, Central District of California. Judge Schiavelli has gained a unique perspective having sat at all positions around the table. After serving on the trial court, he returned to private practice for four years before being appointed to the federal bench. Counsel welcome his pleasant demeanor and appreciate his intelligence and fair-mindedness.

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#### ADR Experience and Qualifications

- While Judge Schiavelli was on the bench, many of his colleagues sent highly complex cases to him to settle
- Resolved several thousand cases while serving on the bench
- Participated in negotiations in hundreds of cases involving a wide variety of issues, including:
  - Appellate Mediations
  - Business/Commercial
  - Construction
  - Employment
  - Entertainment
  - Environmental
  - Insurance
  - Intellectual Property
  - Personal Injury including premises liability and product liability
  - Product Liability
  - Professional Liability including legal and accounting malpractice
  - Real Estate
  - Securities

#### Representative Matters

- As a federal district judge in the Central District of California, he presided over cases in all areas of federal jurisdiction and decided several notable cases
- Actively negotiated and settled complex contract, patent, copyright, trademark, employment, professional liability, securities, civil rights, real estate, complex personal injury, insurance coverage disputes, tort cases, as well as general commercial disputes
- Managed complex commercial disputes in a variety of fields including entertainment, contract, real property, securities, intellectual property, insurance coverage, and patent litigation
- Handled cases involving consumer and civil rights class actions, Federal False Claims Act matters, and a variety of employment discrimination disputes

#### Honors, Memberships, and Professional Activities

- Member, Los Angeles County Bar Association's Litigation Section Executive Committee, 2005-present
  - State Appellate Judicial Evaluations Committee, 1990-1994; 2001-present
  - Executive Board, LACBA Litigation Section, 2001-present
  - Board of Directors LACBA Dispute Resolution Services, 2002
  - Member, Executive Board, ABTL, 2004-2007
- Presided over Masters in Trial, ABOTA Los Angeles Chapter, June 2006
- Member, California Judges Association, 1994-present
  - CJA Liaison to Ethics Committee, 1999-2000
  - Executive Board of the California Judges Association, 1999-2000
- Member, Judicial Council Appellate Advisory Committee, 2000-2003
- Deputy General Counsel, Rampart Independent Review Panel, 2000
- Fee Arbitrator, Los Angeles County Bar Association, 1989-1992
- Business Arbitrator, Los Angeles Superior Court Arbitration Program, 1983-1984
- Speaker at various bar association, Inns of Court, and community functions

#### Publications

- Co-Author, Preserving the Record for Appeal, *California Civil Appellate Practice*, (Continuing Education of the Bar 3d ed.) Chapter 2A
- Author, "Technology In The Courtroom," *California Bar Journal*, February 1999
- Author, Judicial Perspective for the chapter on privilege in the CEB treatise on civil discovery

**Background and Education**

- Judge, United States District Court, Central District of California, 2004-2008
- Private Arbitration/Mediation Practice, 2000-2004
- Of Counsel, Reed Smith, 2000-2004
- Judge, Los Angeles County Superior Court, 1994-2000 (Appellate Division, 1997-2000, Presiding Judge since 1999)
- Partner, Horvitz & Levy, 1986-1994
- Partner (1980), Ervin, Cohen & Jessup, 1976-1986
- Associate, O'Melveny & Myers, 1974-1976
- J.D., UCLA School of Law, 1974 (Graduated first in class)
- A.B., Stanford University, 1970



**Hon. Melinda A. Johnson (Ret.)**

**Hon. Melinda A. Johnson (Ret.)** excels at bringing divergent points of view to a workable solution, as evidenced by her leadership in consolidating the Ventura Superior and Municipal Courts while Presiding Judge of the Superior Court in 1994-1995.

Judge Johnson, considered one of Ventura County's top judges, is ranked as outstanding by the local bar association. She is widely recognized for her keen intelligence and meticulous preparation, and often has been described as a versatile, calm, compassionate, evenhanded and caring individual.

**ADR Experience and Qualifications**

- Presided over and settled a wide variety of cases including:
  - Commercial lease and contract trials
  - Complex civil litigation
  - Employment: FEHA, wrongful termination
  - Environmental: CEQA writs
  - Family law
  - Personal injury
  - Probate and Trusts
  - Property damage
  - Real estate: land use, property title
- Tried Ventura County's first designated "complex" litigation, a toxic tort case involving over 140 plaintiffs and 40 defendants. Prepared case analysis materials which enabled the case to be settled

**Representative Matters**

- Multi-million dollar family law case involving closely held businesses
- CEQA municipal land use case involving housing development challenge for not being in compliance with city's general plan and environmental requirements
- Complex toxic tort litigation involving a housing development allegedly built on toxic property; included in the complaint were the original owners of the property and the parties accused of dumping the toxic materials
- Employment discrimination and harassment claim against a major corporation by its employees that resulted in the only punitive damage award not modified by the Court of Appeal for that year
- Probate claim involving massive accounting of seven-year period of a living trust and claims of self-dealing by the trustee
- Product liability claim against a major automobile maker involving fuel leaks into the passenger compartment of the vehicle

**Honors, Memberships, and Professional Activities**

- Judge of the Year Award, Ventura County Trial Lawyers, 1990
- Public Safety Award, Knights of Columbus, 1988
- Salute to Women Award, Ventura County Commission for Women, 1987
- Member, Executive Committee of the Judicial Council, 1996-2000
- Member, Executive Committee of the Coordinated Municipal and Superior Courts, 1995
- Chairman, Court Consolidation Committee, 1993
- Frequently requested speaker before a wide variety of organizations including judicial and bar association conferences

**Background and Education**

- Judge, Ventura Superior Court, December 1982-2002; (Presiding Judge, 1994-1995; Assistant Presiding Judge, 1992-1993)
- Justice, District Court of Appeal (on assignment), March-April 1985
- Judge, Ventura Municipal Court, February-December, 1982

- Sole private practitioner, (emphasis in personal injury, wrongful death, domestic, probate proceedings), 1977-February 1982
- Instructor in criminal law and evidence and juvenile law and procedure at Ventura Community College and the Ventura County Police and Sheriff's Academy, 1976-1979
- Deputy District Attorney, Ventura County, 1972-1976
- J.D., Order of the Coif, University of Southern California Law Center, 1972
- University of California Hastings College of the Law
- A.B., Stanford University, 1969



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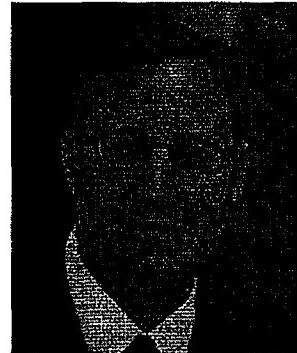
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NEUTRAL BIO

## HON. JOHN LEO WAGNER, RET.

Retired Federal Magistrate Judge

Judge Wagner has 24 years' experience in conducting ADR processes. In 1997, he left the Federal bench to become the Director of the Irell & Manella ADR Center, where he engaged in a full-time practice as a neutral. He previously served for 12 years as a U.S. Magistrate Judge in the Northern District of Oklahoma. He was appointed to this position at age 31, after trying many substantial cases to verdict as litigation partner with Kornfeld & Franklin. While on the Federal bench, he founded and administered a court-annexed mediation program and served as an ADR neutral, in addition to maintaining a full civil caseload. Judge Wagner has successfully conducted thousands of mediations and arbitrations. He is respected and requested for his extensive experience and skill in resolving multi-party, and extremely complex issues in cases involving intellectual property, construction defect, environmental and mass torts, as well as securities and consumer class actions. He has also earned a reputation for handling matters with a high emotional content including employment, civil rights, partnership dissolution plus all types of business, insurance and personal injury disputes. One client commented "Judge Wagner offers a unique combination of federal bench and private practice experience. With this experience and his calm and even handed disposition he earned everyone's credibility." Both plaintiff and defense concur Judge Wagner is knowledgeable, intelligent, creative, perceptive and works relentlessly to resolve disputes.



### LEGAL CAREER & PRIOR EXPERIENCE

- ADR Neutral, Judicate West Alternative Dispute Resolution (2005-Present)
- ADR Neutral, Irell & Manella ADR Center, Irell & Manella LLP, Los Angeles (1998-05)
- U. S. Magistrate Judge, Northern District of Oklahoma, Tulsa (1985-97)
- Trial Lawyer and Litigation Partner, Kornfeld & Franklin, Oklahoma City (1980-85)

### EDUCATION & PROFESSIONAL AFFILIATIONS

- J.D., University of Oklahoma College of Law (1979)
- B.A., University of Oklahoma (1976)
- President, International Academy of Mediators
- Fellow, American College of Civil Trial Mediators
- CPR Institution for Dispute Resolution Mediation Advisory Committee
- CPR/Georgetown Commission on Ethics and Standards in ADR
- CPR Institute for Dispute Resolution Panel of Distinguished Neutrals
- Southern California Mediation Association
- ABA, Orange County Bar Association and Oklahoma Bar ADR Sections
- Former Adjunct Professor of Law, University of Tulsa College of Law
- Past President, Council Oak American Inn of Court, U. of Oklahoma College of Law Assoc.
- Former Director, Federal Magistrate Judges Association
- Master of Inn of Court, Intellectual Property Division (2007-Present)

### ADR EXPERIENCE & SPECIALTIES

- Environmental
- Intellectual Property
- Securities
- Antitrust
- Class Action (including Wage & Hour)
- Qui Tam
- Complex Business/Commercial

- Employment
- Insurance matters
- Professional Malpractice
- Toxic Torts
- High Stakes Personal Injury
- All types of Federal Court Cases

### **ACHIEVEMENTS & AWARDS**

- Judge Wagner has been acknowledged for his many achievements including, Los Angeles Superior Court Certificate of Appreciation for service as an attorney settlement officer (2004) and the Jack R. Givens Leadership Award by the Council Oak American Inn of Court (1997).
- Additionally, Judge Wagner was selected by the Los Angeles Daily Journal as a Top Neutral in California in 2008 & 2009 and selected to be included in the 2007 and 2008 edition of The Best Lawyers in America in the specialty of Alternative Dispute Resolution and selected as a Southern California Super Lawyer in the field of Alternative Dispute Resolution.
- Judge Wagner was also honored with the Certificate of Appreciation for training mediators in State Court and City ADR program (1990) by the City of Tulsa as well as "Outstanding Federal Magistrate" by the Oklahoma Trial Lawyers Association (1987).
- Judge Wagner has participated on numerous panels and MCLE's on ADR topics and various areas of law.

### **HOBBIES & INTERESTS**

- In his spare time, Judge Wagner enjoys backpacking, skiing, chess, travel and Boy scouting with his two sons.

### **LOCATIONS**

- Los Angeles County
- Ventura / SB Counties
- San Diego County
- Inland Empire
- Orange County
- Northern California

### **REPRESENTATIVE CASES**

-  DOWNLOAD

### **RECENT ARTICLES**

- JW Spotlight - Daily Journal
- Daily Journal 2008 Top Neutral Profile
- Daily Journal 2009 Top Neutral Profile
- Daily Journal Judicial Profile - 2008



## Robert B. Pringle, Partner



Robert Pringle is a partner in the firm's San Francisco office whose practice focuses on antitrust, trade regulation, and litigation.

Mr. Pringle represents clients on a range of antitrust matters in state and federal courts and before administrative tribunals. He is particularly experienced handling cases involving unfair competition, securities, and complex business litigation. Mr. Pringle also participates in criminal grand jury matters, contested mergers, and many types of civil litigation, including trade secrets and other intellectual property claims, contract disputes, fraud, and RICO claims.

In addition, Mr. Pringle provides counseling and serves as special litigation counsel to corporate boards of directors, many of which are *Fortune* 200 and 500 companies in the United States and abroad.

Some of his recent matters include:

- Serving as lead counsel in a worldwide cartel criminal investigation and follow-on class action litigation.
- Serving as lead counsel in a securities class actions litigation.
- Serving as special litigation counsel to the board of directors of a major software company.
- Serving as lead counsel in the defense of litigation brought by the Attorney General of California against a major utility under Section 7 of the Clayton Act.
- Representing a large supermarket chain in antitrust actions brought by the Attorney General of California arising out of a lengthy labor dispute between the supermarkets and their labor unions in the Los Angeles area.

### Honors and Awards

Mr. Pringle was named the 2010 Antitrust Lawyer of the Year by the California State Bar Antitrust & Unfair Competition Section. The Section has presented the Antitrust Lawyer of the Year award annually since 1991 to the antitrust lawyer the Executive Committee believes is among the most prominent, respected and successful attorneys in terms of impact on the profession, and one who exemplifies the highest standards of collegiality, professionalism, and commitment to the practice.

Mr. Pringle also has been named in *Best Lawyers in the United States*, *Who's Who in America*, *Who's Who in American Law*, *Chambers USA's Guide to America's Leading Business Lawyers*, and *San Francisco Magazine's Super Lawyer list*.

### Activities

Mr. Pringle is a member of the State Bar of California's Unfair Competition and Antitrust Section; the American Bar Association's Section of Public Utility, Communications and Transportation Law, and Litigation Section; and a lifetime member of the Board of Visitors of Duke University Law School.

### LAW SCHOOL

### Education

Duke University  
JD, 1969

Mr. Pringle received a B.S. Business Administration from the University of North Carolina at Chapel Hill in 1966 and a J.D. in 1969 from Duke University School of Law.

**BAR ADMISSIONS**

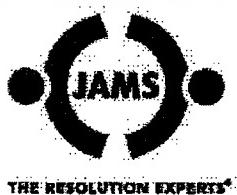
Pennsylvania  
California

**COURT ADMISSIONS**

U.S. Supreme Court  
USCA - 9th Circuit  
USCA - Federal Circuit

**CLERKSHIPS**

Hon. Oliver D. Hamlin, USCA - 9th  
Circuit (1970-1971)



#### Hon. Steven J. Stone (Ret.)

**Hon. Steven J. Stone (Ret.)** is known for creative settlements on resolving complex matters. He has extensive experience in the resolution of complex multi-party disputes in all areas of civil litigation. Justice Stone has handled all types of civil disputes and litigation by way of trial, review and alternative resolution.

#### ADR Experience and Qualifications

- Significant expertise in construction defect, inverse condemnation, professional liability, employment (wrongful termination and sexual harassment), business, insurance, product liability matters, and personal injury
- Also available as a consultant in trial strategy and appellate review
- Emphasized settlement conferences, whether requested by the parties or on his own motion, and used his considerable expertise in settlement techniques whenever possible at the appellate level
- Successfully mediated many serious and complex high stakes cases in the area of employment, business, insurance, HMO and high tech litigation
- A lecturer in civil law and procedure for the CEB and Rutter Group, he has taught all aspects of litigation and has spoken to legal associations and business and civic groups about the judicial process and settlement techniques

#### Representative Matters

- Multi-million dollar patient claim against HMO
- Toxic tort claims involving land fill operation brought by nearby residents
- High-tech business and commercial dispute involving contract and intellectual property claims
- Numerous high stakes insurance bad faith claims
- Multi-million dollar motor vehicle product liability claims involving catastrophic injuries and death
- Resolved several multi-million dollar real estate disputes
- Handled complex multi-party multi-million dollar trust and will dispute

#### Honors, Memberships, and Professional Activities

- Recognized as a Best Lawyer, Alternative Dispute Resolution Category, *Best Lawyers in America*, 2009 and 2010
- Selected as One of California's Most Sought-After Neutrals, *Daily Journal Extra*, 2002
- Trial Judge of the Year Award, Ventura County Trial Lawyers Association, 1980 and 1982
- Roger J. Traynor Appellate Justice of the Year Award by the Consumer Attorneys Association of Los Angeles, 1998
- Faculty of the Council on Judicial Education and Research and the California Judges Association teaching and training judges
- State Bar Board of Governors Special Task Force on Discovery

#### Background and Education

- Presiding Justice, California District Court of Appeal, 1982-1999
- Judge, Ventura County Superior Court, 1976-1982 (Supervising Judge, Law and Motion, 1977-1980)
- Private practice, Principal, Beach, Stone, Smith, Drescher & Romney, Santa Paula, CA, 1962-1976
- J.D., University of California, Hastings College of Law, 1961; Associate Editor, *Hastings Law Journal*
- A.B., Medical Sciences, University of California, Berkeley, 1958

# M. JAMES DALEY

PARTNER

(913) 522-8901

jdaley@daleylegal.com

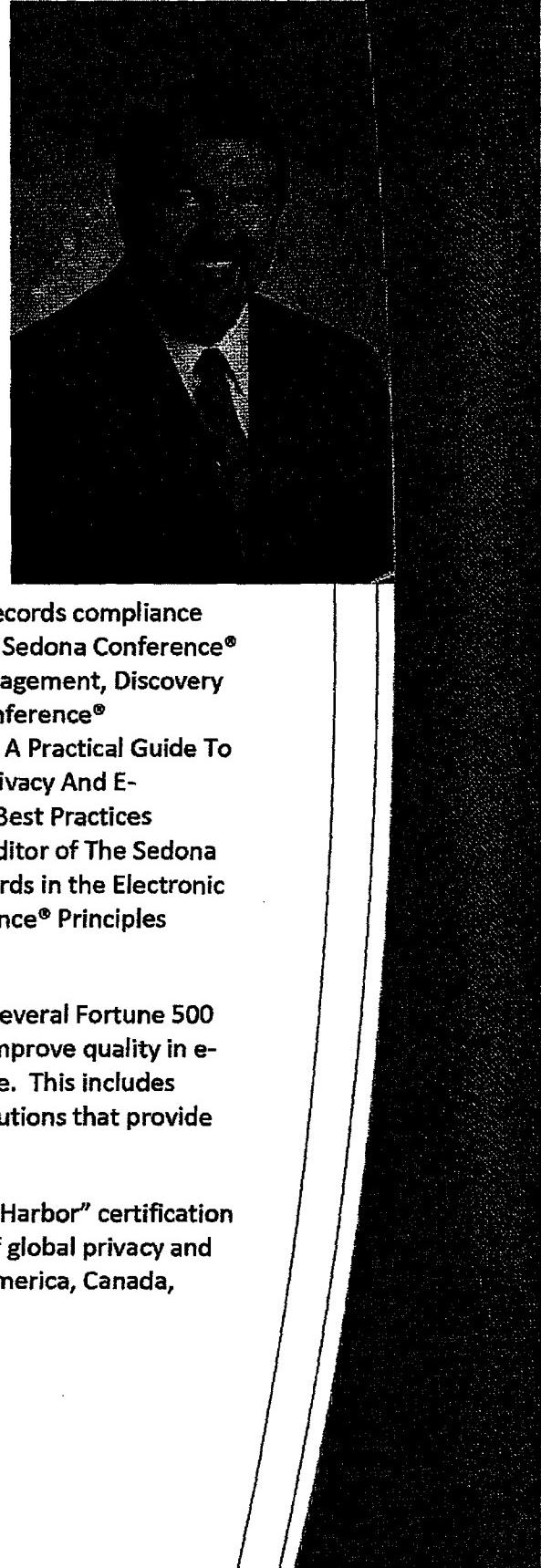
M. James ("Jim") Daley combines his 29 years of complex litigation experience with his Masters Degree in Management of Information Services to help clients develop practical, legally compliant, and cost-effective solutions to e-discovery and e-records compliance challenges.

These legal and consulting services include e-records compliance risk assessments, e-discovery rules readiness programs, targeted IT data maps, legal-hold processes, computer-based records retention training, reducing volumes of legacy backup tapes, consulting as to electronic-records-management systems, and serving as Special Master and Technology Advisor to courts.

Jim is a frequent author and speaker on e-discovery and e-records compliance issues. His service and publications include: Co-Chair of The Sedona Conference® Working Group on International Electronic Information Management, Discovery and Disclosure (WG6); Co-Editor-in-Chief of The Sedona Conference® Framework for Analysis Of Cross-Border Discovery Conflicts: A Practical Guide To Navigating The Competing Currents Of International Data Privacy And E-Discovery (2008); Senior Editor of The Sedona Conference® Best Practices Commentary on Search and Retrieval Methods (2007); Co-Editor of The Sedona Conference® Guidelines for Managing Information and Records in the Electronic Age (2005); and Contributing Author of The Sedona Conference® Principles Addressing Electronic Document Production (2004).

Jim serves as national coordinating e-discovery counsel for several Fortune 500 clients, helping them contain cost, ensure compliance and improve quality in e-discovery, e-records management, and e-records compliance. This includes helping clients design, develop and implement proactive solutions that provide substantial risk reduction and return on investment.

Jim also works globally with multinational clients with "Safe Harbor" certification and other strategies to successfully navigate a wide range of global privacy and data-protection issues in the U.S., European Union, South America, Canada, Australia, Asia, Canada and other countries.



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## Professional Experience

- 2009 -- Founding Partner, Daley & Fey LLP  
2008-2009: Founding Partner, Daley Crowley LLP  
2005-2008: Founding Partner, Redgrave Daley Ragan & Wagner LLP  
1995-2005: Equity Partner and Chair, Technology Law & E-Discovery Group,  
Shook, Hardy & Bacon LLP, Kansas City, MO  
1985-1995: Equity Partner, Shull, Cosgrove & Hellige LLP, Sioux City, IA

## Professional Associations

- Co-Chair of The Sedona Conference® Working Group on International Electronic Information Management, Discovery and Disclosure (2005-2009)
- Board Member, Georgetown University Law Center Advanced E-Discovery Institute (2003-2009)
- Co-Chair of The Sedona Conference® Search & Retrieval Sciences Group
- Member, The Sedona Conference® Working Group on Electronic Document Retention and Production (2002-2009)
- Kansas City Metropolitan Bar Association, Technology Committee

## Publications

- 1) Co-Editor-in-Chief, "*The Sedona Conference® Framework for Analysis Of Cross-Border Discovery Conflicts: A Practical Guide To Navigating The Competing Currents Of International Data Privacy And E-Discovery*," August 2008.
- 2) Co-Author, "*One Year After the Federal E-Discovery Rule Amendments*," ABA Journal on Natural Resources & Environment, Spring 2008.
- 3) Senior Editor, "*The Sedona Conference® Best Practices Commentary on Search and Retrieval Methods*," August 2007.
- 4) Article, "*Preservation of Electronic Records of Third-Party Contractors*," The Practical Litigator Magazine, American Law Institute of the American Bar Association (ALI-ABA), January 2007.
- 5) Article, "*The Records Management Dilemma*," Digital Discovery & E-Evidence, Vol. 6, No. 9, (Pike & Fischer) September 2006.

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- 6) Article, "*The Impact of the Proposed Federal E-discovery Rule Amendments on Corporate Records Retention Compliance*," Kansas City Business Journal, March 3, 2006.
- 7) Co-Editor, "*The Sedona Guidelines: Best Practice Guidelines & Commentary for Managing Information & Records in the Electronic Age*," (Pike & Fischer) 2005.
- 8) Article, "*Know When to Hold 'Em: Duty to Retain Records of Third-Party Contractors*," 2005 Managing Electronic Records (MER) Conference, Chicago, Illinois, May 2005.
- 9) Article, "*Defending the Faith (in Corporate Records Compliance)*," Inside Litigation Magazine, May 2005.
- 10) Article, "*No File Left Behind: Practical Corporate Records Compliance Tips*," Mergers & Acquisitions Journal, January 28, 2005.
- 11) Article, "*E-Discovery: Weapons of Mass Discovery*," DRI E-Discovery Newsletter, July 2004.
- 12) Contributing Author, "*The Sedona Principles: Best Practices Recommendations & Principles for Addressing Electronic Document Production*," January 2004.
- 13) Editor-in-Chief, "*E-Discovery Litigation Update*," Bi-monthly publication of technology law and e-discovery developments in case law, rules, statutes and regulations (1999-2005).

## Presentations (2000-2009)

- 1) Speaker, "The Perils of Transnational E-Discovery Conflicts," Georgetown Corporate Counsel Institute, Washington, D.C., March 12, 2009
- 2) Speaker, "Navigating the Rapids of International E-Discovery," National Podcast, BNA, March 9, 2009
- 3) Panelist, "Containing E-Discovery Costs: Corporate Legal Department vs. Outside Counsel Perspectives" Legal Tech 2009, New York, New York, February 3, 2009

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- 4) Speaker, "E-Discovery Special Masters, Neutrals and Court Technology Experts," West LegalWorks, Los Angeles, CA, February 27, 2009
- 5) Speaker, "Containing the Costs of Document Review," West LegalWorks, Los Angeles, CA February 27, 2009
- 6) Speaker, "Information & Knowledge Management: Getting Your Electronic House in Order Before Litigation Strikes," West LegalWorks, Los Angeles, CA, February 26, 2009
- 7) Speaker, "Controlling E-Records Management and E-Discovery Costs," National Podcast, AIIM International, February 17, 2009
- 8) Speaker, "International Issues in E-Discovery," Georgetown E-Discovery Academy, Washington, D.C., February 12, 2009
- 9) Speaker, "Differing Perspectives on Emerging E-Discovery & Technology Issues," Legal Tech, ILTA Track, New York, NY, February 3, 2009
- 10) Panelist, "E-Discovery Strategies: Current Issues in Records Management, Litigation, Government Inquiries, and Ethics" ALI-ABA Video Webcast Conference, Washington, D.C., January 26-27, 2009
- 11) Moderator, "International Issues Affecting E-Discovery" Georgetown CLE Advanced E-Discovery Institute, Arlington, Virginia, November 18, 2008.
- 12) Speaker, "Building an in-house E-Discovery Program," CA World, Las Vegas, Nevada, November 16, 2008.
- 13) Speaker, "Privacy et. al.- eDiscovery for Transnational Organizations," CA World, Las Vegas, Nevada, November 18, 2008.
- 14) Participant, "Electronic Document Retention and Production" The Sedona Conference® Annual Working Group 1 Conference, Rancho Mirage, California, November 12, 2008.
- 15) Panelist, "E-Discovery and Data Protection Workshop" Center for Applied Cybersecurity Research at Indiana University and the Centre for Information Policy Leadership, Brussels, Belgium, October 22, 2008.

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- 16) Delegate, "Annual Safe Harbor Conference between the European Union Article 29 Working Party on Data Protection and the U.S. Department of Commerce," Brussels, Belgium, October 21, 2008.
- 17) Panelist, "Defusing Risk, Reducing Cost and Gaining Control: Improving the Efficiency and Accuracy of eDiscovery Search, Review and Production" IQPC Legal Technology Exchange, Braselton, Georgia, October 4, 2008.
- 18) Panelist, "Electronic Information Security and Privacy" International Legal Technology Association (ILTA) Conference, Dallas, Texas, August 25, 2008.
- 19) Panelist, "The Sedona Conference® Commentary on Cross-Border Discovery Conflicts" National Webcast, August 2008.
- 20) Featured Panelist, "Sedona Update: Understanding Defensible Search & Retrieval Methods," Fios, Inc., National Webcast, July 17, 2008.
- 21) Speaker, "Navigating Cross-Border E-Discovery Issues," Association of Legal Support Managers for the State of New South Wales, Sydney, Australia, July 8, 2008.
- 22) Speaker, "Catch 22: Cross-Border E-Discovery Conflicts," New South Wales Society for Computers and the Law, Sydney, Australia, July 7, 2008.
- 23) Speaker, "Cross-border e-discovery issues: Australia and the U.S.," Association of Legal Support Managers for the State of Victoria, Melbourne, Australia, July 1, 2008.
- 24) Speaker, "E-Discovery in the United States," State of Victoria Society for Computers and the Law, Melbourne, Australia, June 30, 2008.
- 25) Speaker, "Catch 22: Navigating Cross Border Conflicts Between Electronic Discovery and Data Privacy," The Australasian Institute of Judicial Administration, Sydney, Australia, June 26, 2008.
- 26) Moderator, "Ethical Considerations in Electronic Discovery," Lorman Education Services, Kansas City, Missouri, June 2008.
- 27) Speaker, "Why Digital Information is Different," E-Discovery: An A-Z Workshop, West Legalworks, St. Louis, Missouri, June 2008.

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- 28) Key Note Speaker, "Binding Corporate Rules (BCRs) and Standard Contractual Clauses for Managing Data Movement Between Countries," Corporate Governance and Compliance Conference, New York, New York, June 2008.
- 29) Speaker, "Cross-Border Conflicts Relating to Mass Discovery, Including Foreign Data, Privacy, and Protection Regulations," ALI-ABA Course of Study in Mass Litigation, Charleston, South Carolina, May 29-31, 2008.
- 30) Speaker, "Litigation Readiness: The Importance of Proactive ESI Management Systems," IQPC Conference, London, England, May 23, 2008.
- 31) Speaker, "Case Study: Data Mapping and the FRCP – 18 months into the New Rules," 2008 MER Conference, Chicago, Illinois, May 19-21, 2008.
- 32) Panelist, "What the MER Headlights See: Insights on Four Future ERM Issues," 2008 MER Conference, Chicago, Illinois, May 19-21, 2008.
- 33) Speaker, "RMS Conference 2008: Records Management – The State of the Art," Records Management Society, Edinburgh, Scotland, April 20-22, 2008.
- 34) Panelist, "New Roles & New Teams to Meet ESI Production Obligations/Expectations," The Sedona Conference® Institute's Second Annual Program on Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations, San Diego, California, March 13-14, 2008.
- 35) Panelist, "Search & Information Retrieval Methods/Best Practices," The Sedona Conference® Institute's Second Annual Program on Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations, San Diego, California, March 13-14, 2008.
- 36) Panelist, "New Issues Under the New Rules," The Sedona Conference® Institute's Second Annual Program on Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations, San Diego, California, March 13-14, 2008.
- 37) Panelist, "Envisioning Discovery Circa 2010," 4<sup>th</sup> Annual CGOC E-Discovery Summit, Palm Springs, California, January 27, 2008.
- 38) Speaker, "Electronic Discovery and Records Management: New Litigation Challenges," American Law Institute of the American Bar Association (ALI-ABA), Fordham Law School, New York, New York, January 17-18, 2008.

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- 39) Panelist, "Electronic Document Review: Why Best Practices for Traditional Paper View Doesn't Translate to ESI," Advanced E-Discovery Technology Workshop, Georgetown University Law Center, Washington, D.C., November 15-16, 2007.
- 40) Speaker, "E-Discovery: Search and Information Retrieval Strategies, Identifying and Collecting Electronic Information under the New Federal Rules," Audio Seminar, the Legal Publishing Group of Strafford Publications, November 14, 2007.
- 41) Speaker, "E-Landscape in the FRCP Fallout," Masters Conference for Legal Professionals, Washington, D.C., October 25-26, 2007.
- 42) Presenter, "Lost in Translation - Navigating the Minefield of International E-Discovery," National Webinar, Lumen Legal, October 17, 2007.
- 43) Moderator and Panelist, "Digital Evidence: New Rules and Recent Developments from the Courts," Professional Educations Broadcast Network, National Audiocast," September 11-12, 2007.
- 44) Speaker, "eDiscovery & Beyond: Harnessing the Power of Collaboration," ARMA Conference, Kansas City, Missouri, June 25, 2007.
- 45) Panelist, "eDiscovery Day," CA World, Las Vegas, Nevada, April 24, 2007.
- 46) Panelist, "Getting ahead of the eDiscovery Curve: Strategies for Companies and Their Counsel to Reduce Cost and Meet Judicial Expectations," The Sedona Conference Institute and ARMA International, Memphis, Tennessee, March 2007.
- 47) Panelist, "Migrating from E-Discovery to Effective E-Records Management: Lessons Learned & Emerging Issues under the New Federal Rules," National Webcast, Pike & Fischer, December 1, 2006.
- 48) Presenter, "Electronic Records Management and Digital Discovery," and "Ethical Considerations in Electronic Discovery," American Law Institute of the American Bar Association (ALI-ABA), Boston, Massachusetts, October 25-27, 2006.

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PARTNER

- 49) Co-Chair and Presenter, "Sedona Conference International Working Group on E-Disclosure and E-Records Management," Madrid, Spain, September 27-29, 2006.
- 50) Co-presenter, "Making the Case for E-mail Archiving & Litigation Readiness Best Practices for E-mail with Retention and Management," National Webcast, September 20, 2006.
- 51) Presenter, "Hot Issues in Records Management & E-Discovery," sponsored by Special Counsel, Minneapolis, Minnesota, July 19, 2006.
- 52) Speaker, "The ERM Impact of the New Federal Rules of Civil Procedure: What you Need to Do to be Ready," MER Conference, Chicago, Illinois, May 22-24, 2006.
- 53) Speaker, "Taking ERM to a New Level: Embedding Records Management into Business Processes," MER Conference, Chicago, Illinois, May 22-24, 2006.
- 54) Speaker, "Legal, Technical and Operational Feedback to Microsoft regarding the New Office 12," MER Conference, Chicago, Illinois, May 22-24, 2006.
- 55) Speaker, "Electronic Records Management and Digital Discovery Practical Considerations for Legal, Technical, and Operational Success," American Law Institute of the American Bar Association (ALI-ABA), Chicago, Illinois, May 17-19, 2006.
- 56) Speaker, "Electronic Records Management: A Proactive Approach to E-Discovery Sanctions," International ERM "Vision" Conference, sponsored by Symantec and Intel, San Francisco, California, May 8-10, 2006.
- 57) Panelist, "The Impact of the Proposed New E-Discovery Rules on Corporate Records Management," Webinar sponsored by the Indianapolis Bar Association and Special Counsel, April 26, 2006.
- 58) Speaker, "Recent Developments in E-Discovery," Iowa Trial Lawyers Association Annual Meeting, Des Moines, Iowa, April 20-21, 2006.
- 59) Speaker, "Current Issues in E-Discovery and Corporate Records Compliance" the Montana State Bar Association, Butte, Montana, March 17, 2006.

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PARTNER

- 60) Panelist, "E-Discovery Real World Solutions and Practical Strategies in a Complex and Challenging Environment," IQPC Seminar, Miami, Florida, February 28 – March 1, 2006.
- 61) Speaker, "Managing the Risks and Discovery Costs of Web Content," FIOS Webcast, January 31, 2006.
- 62) Speaker, "Legal Considerations of E-Mail Archiving after Sarbanes Oxley," Kansas City Business Executives Meeting, Overland Park, Kansas, December 22, 2005.
- 63) Moderator, "Advanced E-Discovery Institute: Practical Concerns, Pragmatic Advice, Emerging Trends," Georgetown University Law Center's E-Discovery Institute, Washington, D.C., November 17-18, 2005.
- 64) Speaker, "E-Mail Archiving and Information Search and Retrieval in the Context of Litigation," before representatives of the Executive Office of the President, National Science Foundation and National Archives and Records Administration, Washington, D.C., November 8, 2005.
- 65) Speaker, "Developing the Business Case for E-mail Archiving and Electronic Records Management Systems," Symantec, Overland Park, Kansas, October 28, 2005.
- 66) Speaker and Moderator, "Corporate Electronic Records Retention and E-Discovery Training," Marcus Evans Corporate E-Discovery Conference, New York, New York, September 28-30, 2005.
- 67) Speaker, "Current Developments in E-Records Management and E-Discovery," Symantec, Columbus, Ohio, September 27, 2005.
- 68) Panelist, "Sedona Search & Retrieval Special Project," Sedona Conference Annual Meeting, Vancouver, BC, Canada, September 14-16, 2005.
- 69) Speaker, "E-Discovery of Emerging Technologies: Instant Messaging, Unified Messaging Systems and VoIP," Fios Online Webcast, September 7, 2005.
- 70) Co-Chair and Speaker, "Sedona International Working Group on Electronic Records Disclosure," Inaugural Meeting, Clare College, Cambridge University, Cambridge, England, July 13-17, 2005.

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- 71) Speaker, "No Record Left Behind: A Process Approach to Electronic Records Management" MER (Managing Electronic Records) Conference, Chicago, Illinois, May 23-25, 2005.
- 72) Speaker, "Electronic Discovery: 30(b)(6) Deposition and Motion Hearing Demonstrations," Defense Research Institute Annual E-Discovery Seminar, Washington D.C., May 19-20, 2005.
- 73) Panelist, "Current Developments in E-Discovery," Kansas City Metropolitan Bar Association Annual Bench Bar Seminar, Osage Beach, Missouri, April 30, 2005.
- 74) Panelist, "Records Retention, E-Discovery and Search & Retrieval Sciences", Sedona Conference Mid-Year Seminar, Cambridge, Maryland, April 21-23, 2005.
- 75) Panelist, "Practical Issues in E-Discovery," Defense Industry Counsel Conference, Bethesda, Maryland, April 13, 2005.
- 76) Moderator, "The Legal and Strategic Guide to E-Discovery: Best Practices for Corporate Counsel," Marcus Evans, San Francisco, California, April 7-8, 2005.
- 77) Speaker, "What You Don't Know about E-Discovery Can Hurt You!" CPA Professionals Conference, Kansas City, Missouri, February 22, 2005.
- 78) Expert Testimony, Civil Rules Advisory Committee of the United States Judicial Conference on the Proposed E-Discovery Rule Changes, Washington D.C., February 11-12, 2005.
- 79) Panelist, "E-Discovery: Current Developments," Pharmaceutical Industry In-House Counsel Meeting, New York, New York, January 24, 2005.
- 80) Speaker, "Recent Developments in E-Discovery," Corporate Counsel Roundtable, St. Louis, Missouri, December 1, 2004.
- 81) Speaker, "E-Discovery Best Practices for Corporate Counsel," Marcus Evans Seminar, New York, New York, November 10-12, 2004.
- 82) Speaker and Panelist, "National Forum on E-Discovery and Corporate Compliance," Kansas City, Missouri, UMKC, November 1, 2004.

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- 83) Speaker, "International E-Discovery Issues," Third Annual Sedona Conference on E-Discovery, Phoenix, Arizona, October 15-16, 2004.
- 84) Speaker, "Records Retention Issues," Third Annual Sedona Conference on E-Discovery, Phoenix, Arizona, October 15-16, 2004.
- 85) Speaker, "Recent E-Discovery Issues," Telecommunications Industry Counsel Summit, August 12, 2004.
- 86) Speaker, "E-Discovery: Traps for the Unwary," Lexis-Nexis Seminar, Kansas City, Missouri, July 2004.
- 87) Speaker, "Obstruction of Justice and E-Discovery," White Collar Crime Seminar, Kansas City, Missouri, June 23, 2004.
- 88) Speaker, "Ethics and E-Discovery," Lawyers Association of Kansas City, Kansas City, Missouri, June 10, 2004.
- 89) Panelist, "Data without Borders: International Dimensions to Electronic Discovery" The Sedona Conference on Complex Litigation VI: Electronic Discovery, Sedona, Arizona, March 26, 2004.
- 90) Panelist, "Preservation of Electronic Data: The Good, The Perfect, and Have We Met an Enemy" The Sedona Conference on Complex Litigation VI: Electronic Discovery, Sedona, Arizona, March 25, 2004.
- 91) Speaker, "E-Discovery Issues for Corporate Counsel," Corporate Counsel Lecture Series, Kansas City, Missouri, January 30, 2004.
- 92) Speaker, "Cost-Shifting after Zubulake v. UBS Warburg," Iowa State Bar Association E-Commerce Section, Des Moines, Iowa, December 16, 2003.
- 93) Panelist, "International Dimensions to the Electronic Discovery Dilemma," Second Annual Meeting of the Sedona Conference Working Group on Best Practices for Electronic Document Retention & Production, Santa Fe, New Mexico, October 16-17, 2003.
- 94) Speaker, "Electronic Document Discovery: A Proactive Legal Framework," Miami Corporate Counsel Seminar, Miami, Florida, November 14, 2001.
- 95) Speaker, "Technology in Litigation," Kansas City Metropolitan Bar Association, Kansas City, Missouri, October 2001.

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96) Lecturer, "E-Discovery in National and International Litigation," Friends University, Wichita, Kansas, December 2000.

97) Lecturer, "Technology and the Law," Avila University, Kansas City, Missouri, May 2000.

## Education

B.A., Creighton University

M.M.I.S. (Masters of Management Information Systems) Friends University

J.D., University of Iowa

## Technical Certifications

- Microsoft NTFS Server Administration
- Novell Network Administration
- Informix Enterprise Database Programming
- Paradox Relational Database Programming
- Microsoft SQL Server Programming & Administration
- HTML Programming & Design
- C++ Programming

## Honorary Associations

- Alpha Sigma Nu, National Jesuit Honor Society, Creighton University
- Phi Alpha Delta, National Law Honor Society, University of Iowa
- Distinguished Service Award, Woodbury County Bar Association
- Diocesan Lay Leadership Award

## Admissions

Iowa, Nebraska, Missouri

Various Federal District Courts

U.S. Eighth Circuit Court of Appeals

## Languages

German (fluent)

Spanish, French & Brazilian Portuguese (conversational)

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